

## WARREN COUNTY BOARD OF SUPERVISORS

### COMMITTEE: PUBLIC WORKS - DPW AND PARKS, RECREATION & RAILROAD

DATE: SEPTEMBER 27, 2011

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**COMMITTEE MEMBERS PRESENT:**

SUPERVISORS BELDEN  
BENTLEY  
MERLINO  
CHAMPAGNE  
MONROE  
MCCOY  
CONOVER  
WOOD  
TAYLOR

**OTHERS PRESENT:**

JEFFERY TENNYSON, SUPERINTENDENT OF PUBLIC WORKS  
PAUL BUTLER, DIRECTOR OF PARKS, RECREATION & RAILROAD  
PAUL DUSEK, COUNTY ADMINISTRATOR  
JOAN SADY, CLERK OF THE BOARD  
KEVIN GERAGHTY, BUDGET OFFICER  
SUPERVISORS STRAINER  
THOMAS  
JULIE PACYNA, PURCHASING AGENT  
DON LEHMAN, THE POST STAR  
THOM RANDALL, ADIRONDACK JOURNAL  
AMANDA ALLEN, SR. LEGISLATIVE OFFICE SPECIALIST  
*Please see sign-in sheet for additional meeting attendees.*

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Mr. Belden called the meeting of the Public Works Committee to order at 9:30 a.m.

Motion was made by Mrs. Wood, seconded by Mr. Bentley and carried unanimously to approve the minutes from the prior Committee meeting, subject to correction by the Clerk of the Board.

Privilege of the floor was extended to Paul Butler, Director of Parks, Recreation & Railroad, who distributed copies of his agenda to the Committee members. *A copy of the agenda is also on file with the minutes.*

Commencing with the agenda review, Mr. Butler presented a request to renew the management agreement with the Beaverkill Conservancy, Inc. for parking in connection with the canoe access site on River Road in the Town of Lake Luzerne. He said he had mirrored his request after the expiring version to include a ten-year contract term, but noted that the Committee could choose to lessen the term if they preferred.

Motion was made by Mr. Monroe, seconded by Mr. McCoy and carried unanimously to approve the aforementioned request and the necessary resolution was authorized for the October 21<sup>st</sup> Board meeting. *A copy of the request is on file with the minutes. Note: subsequent to the meeting this request was withdrawn as the Town of Lake Luzerne advised they would prefer to secure this contract directly.*

Mr. Butler advised the agenda included a copy of the NYSDOT (New York State Department of Transportation) announcement received concerning the availability of \$27 million in grant funding for improvements to railroad and port facilities as authorized by the Rebuild and Renew New York Transportation Bond Act of 2005. Additionally, he said this information identified \$16.4 million in grant funds available through the NYSDOT Airport Infrastructure Investment Program. Mr. Butler apprised he and Jeffery Tennyson, Superintendent of Public Works, had briefly discussed the available grant funding during a recent meeting with Ed Ellis, President and CEO of Iowa Pacific Holdings, LLC/Saratoga North Creek Railway (SNCR). He added that Mr. Ellis had expressed interest in the opportunity, but they had yet to determine exactly how much funding would be sought, or the extent to which the County and Iowa Pacific would work together to attain it. Mr. Butler stated the grant funding presented an opportunity to upgrade the railroad tracks, as well as to make station improvements. Mr. Tennyson advised that as per Mr. Ellis' indications, Iowa Pacific was able to apply for the NYSDOT grant funding independently without the County's assistance; however, he said, they would require written confirmation from both the County and the

Town of Corinth asserting both parties would commit to continue the operation of the railroad in compliance with the terms of the grant agreement.

Mr. Belden questioned whether there were projects at the Airport that would qualify for the NYSDOT grant opportunity and Mr. Tennyson advised they were proceeding with the environmental impact statement for the runway extension and because grant funding had not yet been identified for all phases of the project, they would seek to include portions of the project in this grant application.

Mr. Monroe noted there should be no concern as to the County/Town's continuation of railroad operations as they were already obligated under prior grant agreements. There being no objections from the Committee, Mr. Tennyson advised they would coordinate with SNCR for the application preparation process and would draft a letter of support along with the Town of Corinth to include the commitment language requested relative to continued operation of the railroad. Mr. Belden asked if a resolution was necessary to authorize Mr. Tennyson to proceed in this manner and Joan Sady, Clerk of the Board, advised it was not.

The next agenda item, Mr. Butler announced, pertained to an update on railroad operations by Steve Torrico, SNCR General Manager. He noted that because Mr. Torrico was not in attendance, the item would not be discussed.

Continuing, Mr. Butler addressed a request to amend Local Law No. 2 of 1984 to allow snowmobiles on the 1.2 mile section of the Warren County Bikeway between the overpass of Route 9L and the intersection with the Wild West's Route 9 driveway. He then distributed copies of a map detailing the current snowmobile trail, the Warren County Bikeway and the section of the Bikeway proposed for use by the snowmobile club, which he proceeded to detail for the Committee's benefit; *a copy of the map is on file with the minutes*. Mr. Butler noted the agenda included a photo of the Bikeway which had been marked to reflect its encroachment on property they believed to be owned by Jack Gillette, owner and operator of the Magic Forest; he added the area in question was approximately 4' wide and extended for about 67'.

In order to give a complete synopsis of the situation, Mr. Tennyson explained that when the request was initially received from the snowmobile club, *a copy of which is included in the agenda packet*, the issue had been identified, following which the surveyor under contract with the County had been dispatched to review the County-owned property and NYSDOT right-of-way in that area to determine the extent of the encroachment. He advised the information provided in the photograph referred to by Mr. Butler reflected the overlap identified by the Surveyor in their field mark-out and he further advised they expected to receive the final survey map by the close of the week. Mr. Tennyson noted the Bikeway was located such that it allowed area for the issue to be mitigated and their initial intent was to move the path so that it would no longer be located partially on Mr. Gillette's property. In order to facilitate the move, he said they would need to coordinate with NYSDOT because more of their right-of-way property would be used and he presumed there would be no objection as there had been no past issues with use of NYSDOT property in this manner. Mr. Tennyson expounded that in order to move the Bikeway, they would need to remove some of the existing bank and possibly install some stabilization measures.

Mr. Champagne questioned whether the proposed snowmobile use had been deemed acceptable to the cycling enthusiasts currently using the Bikeway and Mr. Tennyson replied a copy of the statement received relative to the matter from the Warren County Safe & Quality Bicycling Organization (WCSQBO) was included in the agenda packet; he also noted that Lloyd Mott, Chairman of the WCSQBO, was in attendance. Mr. Tennyson said the survey confirmation of the encroachment had prompted discussions with Mr. Gillette relative to the proposed use of the Bikeway by the snowmobile clubs and he said those discussions would continue once the final survey

documents were received in an effort to alleviate the issue. He said he had expected representatives of the snowmobile club to attend the meeting to state their position on the request; however, as there were none, Mr. Tennyson explained the snowmobile club had requested use of the Bikeway in order to abandon the current Ellsworth Road connection which had been implemented during the prior year to enable snowmobilers from the Washington County trail system to connect with the Warren County trail system.

In response to an inquiry made by Mr. Champagne, Mr. Tennyson apprised the snowmobile clubs were currently authorized to use a ½ mile section of the Bikeway and the current request would extend that use by 1.2 miles.

Mr. McCoy asserted that the Ellsworth Road connection was no longer viable and he stated that if use of the Bikeway was not approved, the Warren and Washington County trail systems could not be joined, rendering the prior years connections with trail systems to Vermont, and eventually Canada, unsubstantiated. Mr. Belden questioned whether a fence could be erected to prevent unauthorized access to Mr. Gillette's property if the Bikeway was moved and Mr. Tennyson replied affirmatively, noting there were a couple of options available, such as the use of temporary snow fencing for the winter season. Mr. Tennyson added they were introducing permanent chain link fencing along other areas of the Bikeway, as funding permitted, and this might be a solution for the section adjacent to The Magic Forest as it would also protect users from the nearby bank slope.

As a member of a local snowmobile group, Mr. Champagne stated the introduction of the connection with the Washington County trail system had led to a significant increase in tourism and sales tax income to Warren County and he felt a permanent solution should be determined to maintain it.

Mr. Merlino entered the meeting at 9:44 a.m.

Mr. Belden advised Committee action would be necessary to approve the proposed amendment to Local Law No. 2 of 1984 in order to move the request on for the review of the full Board of Supervisors, at which point a public hearing would be authorized for the November Board meeting.

Motion was made by Mr. Champagne and seconded by Mr. Monroe to approve the request to amend Local Law No. 2 of 1984 to allow snowmobile use on a specified portion of the Warren County Bikeway.

Mr. Merlino apologized for his late attendance and advised that although he understood the Bikeway was initially constructed with the idea that use by motorized vehicles would be prohibited, as well as Mr. Gillette's concerns with the proposed use, he felt that times had changed and their rules and regulations needed to change too. The winter tourism season in Warren County had reaped the positive benefits of increased snowmobile activities in the area, Mr. Merlino stated, and they needed to continue to accommodate these visitors especially in light of the current economy. He said he had received approximately 150 emails from members of snowmobile clubs that visited the area, showing there was a definite market to be harnessed and they should do everything they were able to in an effort to communicate and work together to achieve the necessary access points while keeping all involved parties and property owners happy. However, Mr. Merlino stated, it was very difficult for him to understand why the concerns of one business, which was only open for the summer season, would stop an effort to provide continued financial benefits to a great number of year-round businesses, as well as increased sales and occupancy tax revenues for the County. He continued that the snowmobile clubs sought to maintain a congenial relationship with the WCSQBO as their uses would not interfere since they were based in different seasons. Mr. Merlino concluded it was very important to the tourism and economy of Warren County that the snowmobile clubs be permitted use of the small section of the Bikeway in order to secure a connection with the Washington County trail system and he advised no further use of the Bikeway would be requested.

There being no further Committee discussion on the issue, Mr. Belden called the question and the previous motion to approve the request to amend Local Law No. 2 of 1984 to allow snowmobile use on a specified portion of the Warren County Bikeway was carried unanimously and the necessary resolution was authorized for the October 21<sup>st</sup> Board meeting. *A copy of the request is on file with the minutes.*

Mr. Belden noted there were members of the public present wishing to address the Committee relative to the Bikeway use issue and he invited them to do so.

Mr. Mott was the first to address the Committee, speaking as Chairman of the WCSQBO, reiterating Mr. Tennyson's prior indication that the agenda included the formal statement put forth by his organization. In summary, he said that while the WCSQBO held no ill will towards the snowmobile clubs, they were concerned with damages to the Bikeway caused by snowmobile use which they felt could lead to further deterioration if proper action was not taken. Mr. Mott advised the Bikeway was one of the best of its kind and was very well maintained by the Warren County Parks, Recreation & Railroad staff by addressing natural disturbances, such as debris and fallen trees along the trail; however, he noted, the damages he referred to were not being caused by a natural source and would be further intensified if measures were not implemented to stop their reoccurrence, eventually leading to additional repair costs for the County or an unusable and unsafe surface. He concluded that it was his hope a solution could be identified to address the problem which would be acceptable to all parties, but noted the name of the facility was the "Warren County Bikeway".

Brian Reichenbach, of the Law Firm of Stafford, Carr and McNally, was the next to address the Committee, speaking as legal representation for Mr. Gillette and Gillette Enterprises. He stated that 34 years ago, when the Bikeway was introduced, Mr. Gillette was promised that if he agreed to allow the path to cross his property he would no longer have to address the issues he had at that time with dirt bike and snowmobile use in that area, but those issues were now arising, once again. Referring to Mr. Merlino's previous statement that the snowmobile clubs only sought to use a very small portion of the Bikeway and would not seek to use additional portions in the future, Mr. Reichenbach pointed out, with all due respect, that they were unable to tell what future needs might be and reiterated previous promises to Mr. Gillette that the Bikeway would never be used for motorized vehicles; promises that were now being broken. Mr. Reichenbach stated that while a small portion of the Bikeway pavement did encroach upon his client's property, the bank which supported the east side of the path was a much greater area of encroachment as most of it was on Mr. Gillette's property and without it, or the culvert the County had installed on his property, the Bikeway could not pass through that area. He added that he and his client were not convinced the economic impact of the joined snowmobile trail systems was as great as previously warranted as evidenced by information they had received from the snowmobile clubs which led them to believe prior assertions made might not be accurate. Finally, Mr. Reichenbach stated Mr. Gillette faced a serious risk if activities were taking place on his property other than the operation of his amusement park as his insurance carrier had indicated this could lead to a loss of his insurance coverage which would in turn mean the loss of his business and everything he had worked his whole life for; therefore, he said, Mr. Gillette was seeking to protect his own livelihood. Mr. Reichenbach advised they would continue to work with the County to determine whether a viable solution was available, but at this point his client had serious and grave concerns about his own future and that of his business.

Dawn Koncikowski, owner of Waterslide World, advised there had been many problems with trespassing snowmobilers and said she had faxed information directly to the Warren County Sheriff's Office specifically stating that no one was permitted to park, snowmobile or trespass on her private property during the winter season. She noted the current snowmobile trail ran along State Route 9L, but did not cross the Waterslide World property; she

further noted the South Warren Snowmobile Club Code of Ethics specifically stated "I will be a good sports enthusiast and respect private and public property and the rights of all winter riders. I will respect other people's property and rights. I will stay on marked trails, roads and areas open to snowmobiles." Ms. Koncikowski reiterated Waterslide World was closed for the season and no one had permission to be on their private property. She said she spent the majority of her time during the summer season protecting everyone from harm, thereby limiting the liability exposure and the only way she was able to prevent liability during their off season was to request police assistance in enforcing the State Trespass Law. Ms. Koncikowski advised she had been reassured the snowmobile clubs carried their own liability insurance, but noted she was aware that a private property owner was being sued in connection with a fatality that had occurred during the prior winter season on a club trail crossing private property; she added that when incidents such as these happened, everyone was sued, not just the snowmobile club. Ms. Koncikowski then questioned whether the County was prepared to expend scarce tax dollars to fund full maintenance operations on the Bikeway during the winter season to ensure there were no dangerous elements at any time that could cause such fatal accidents. Additionally, she asked whether the County would be required to carry additional liability insurance if they continued with the endeavor to open the Bikeway to motorized vehicles that could speed up to 60+ miles per hour. Ms. Koncikowski apprised the Sheriff's Office had asked her to contact them at the start of the 2011-2012 winter season to remind them to contact the snowmobile club and require that they erect temporary fencing along the trail near the Waterslide World property to ensure there would be no trespassing in that area as Mike Fazio, President of the South Warren Snowmobile Club, had stated he could not control the snowmobilers. She suggested that public hearings be held before making a final decision on the matter to allow area residents and property owners, as well as the winter users of the Bikeway, to voice their opinions on the issue and she requested again that all involved parties respect the rights of the adjacent property owners. Speaking to Mr. Merlino's prior comment that times had changed and their rules and regulations needed to change, as well, Ms. Koncikowski stated that private property rights were not changing and should be respected. She further stated there were thousands of acres of State property that should be used to facilitate the snowmobile trails, rather than the Bikeway.

Mr. Conover questioned whether deterioration on the Bikeway was attributable to snowmobile use and Mr. Tennyson replied affirmatively, adding this was not abnormal and also occurred in snowmobile road crossing areas. Mr. Tennyson explained the carbines on the snowmobiles caused damage to the asphalt aggregate, creating a rough textured surface which, if not treated, allowed it to hold more water and degrade faster than non-affected areas. As this was a concern to his Department, Mr. Tennyson advised he had walked the Bikeway along the section currently being used by the snowmobile clubs and had found there was some texture change to the surface; however, he added, he did not believe it to be a safety concern currently. He said the largest impact was to users rollerblading on the Bikeway who were most likely to feel the change in texture and noted the DPW Engineering staff had recently started researching options available to prevent this damage, including an epoxy coating which would provide a smoother, harder surface for the carbines to travel across; however, he noted, due to the price attached to the treatment, they were considering this application for only the road crossings which comprised a smaller area. As for the Bikeway, Mr. Tennyson advised they were considering a slurry seal treatment that essentially included using a Portland cement based material which was applied over of the asphalt to fill existing pock marks, leaving a harder surface. He said the cost for this treatment was approximately \$15,000 per mile and they were reviewing the existing DPW Budget to determine whether funding was available to address the section of the Bikeway already identified for snowmobile use before the winter season began to determine if the applications would be effective. Mr. Tennyson advised that any solution employed would be a periodic maintenance measure that would need to be repeated every three to four years.

Mr. Gillette addressed the Committee, advising the blacktop used for the Bikeway in front of his Magic Forest

property was the same surface that had been installed in 1978, with no maintenance since. He then questioned what funds would be used to provide the coating services every three to four years which he anticipated would total in the neighborhood of \$30,000 with each application to attend to the section already used by the snowmobiles and the one currently proposed. Mr. Gillette stated the snowmobile clubs should be expected to fund any additional maintenance or insurance premium costs, as they were the ones causing additional liability and damages to the Bikeway. Furthermore, he said, when the County authorized use of its property by another entity, they should expect it to be returned in equal, if not better, condition than when it was loaned and no additional costs should be imposed upon the taxpayers of Warren County. Mr. Gillette inquired as to whether the County carried insurance coverage that would indemnify them against any loss incurred from injuries sustained during the summer months that were attributed to damages caused during winter months.

In response to a question posed by Mr. Merlino, Mr. Tennyson advised the estimated maintenance costs associated with the Bikeway totaled approximately \$80,000 to \$100,000 annually as it required a considerable amount of attention to keep the paths clear of debris following stormy weather and in the spring. He stated that no maintenance work was done during the winter season and apprised that if an agreement could be reached, the snowmobile clubs had proposed to assume maintenance of the portions used for the winter.

Mr. Monroe commented that, as per Mr. Tennyson's previous indications, the County spent a considerable amount of money in support of the summer tourism business and activities and it seemed to him that the costs for applications to protect the Bikeway for winter snowmobile use were reasonable and would help to support the largest economic engine for the winter season. He said he agreed with Mr. Champagne in that they needed to determine a solution which would allow a connection between the Warren and Washington County trail systems to be secured and if continued maintenance was required to do so, he was in favor of that measure. Mr. Champagne recalled a \$700,000 investment had been made to introduce the Warren County Bikeway for the purpose of tourism and any additional maintenance costs to encourage winter tourism through use of the Bikeway for snowmobile trail connections were relatively minimal in comparison. He said that tourism was the main source of income for Warren County and they needed to foster and encourage it to grow as much as possible. Mr. Champagne advised that although the Bikeway was very nice for the summer season users, they would need to share the facility with the winter users.

Vicky Eastwood, Warren County resident, stated that she and her late husband had purchased their property in 1974, before the Bikeway was constructed, but had been very happy when the initiative had come to fruition as it was promised to be for use by joggers, bicyclists and cross-country skiers, with no motorized vehicles permitted.

As there were no additional members of the public wishing to address the Committee, Mr. Belden advised the resolution previously approved by the Committee to amend Local Law No. 2 of 1984 to allow the use of snowmobiles on a specified section of the Warren County Bikeway would come before the Board of Supervisors at their October 21<sup>st</sup> meeting and upon approval of said resolution, a Public Hearing would be scheduled for the November 18<sup>th</sup> Board meeting.

Resuming the agenda review with the Items of Interest section, Mr. Butler noted construction of the Stony Creek Platform had been completed on the previous day and he distributed photographs of the finished structure; *copies of the photos are on file with the minutes*. He said he anticipated receipt of the necessary Certificate of Occupancy later that day, at which point the facility would be turned over to SNCR as per the authorization provided by Resolution No. 520 of 2011, approved at the September 16<sup>th</sup> Board meeting.

Mr. Belden commended the efforts of the Parks, Recreation & Railroad and DPW staff in building the Platform and he questioned the total amount spent. Mr. Butler apprised the structure had been completed under budget with the Local Share comprised of in-kind services being exceeded by a considerable amount; he added that he would provide more detailed information as to the amount of grant funding expended and the in-kind services provided to meet the Local Share at a future Committee meeting once the grant had been closed. Mr. Butler then proceeded with a brief overview of the progression of the construction process which had extended for approximately four months due to the sporadic work allowed in connection with short staffing levels and interruptions to address clean-up and restoration work necessary following the April and May storms, as well as Tropical Storm Irene. Mr. Butler concluded the construction could have been completed in about a month and a half if a dedicated crew had been assigned.

Speaking as Supervisor for the Town of Stony Creek, Mr. Thomas stated the crews had done an excellent job of building the Platform which was a great addition to the Town. He said his only suggestion would be to erect a larger sign proclaiming it to be the "Stony Creek Platform at 1,000 Acres" to finish the project.

As the Committee was in agreement, it was the consensus that Mr. Butler should work with Messrs. Thomas and Tennyson to develop a new sign for the Stony Creek Platform using unexpended grant funds.

Joanne Smith, Town of North Creek resident, stated that she, and other residents of the Town of North Creek, were very happy with the railroad progress and were very much looking forward to additional tourism opportunities that would be introduced in connection with progressions on the First Wilderness Heritage Corridor Project. She apprised a Rail Fair was being held in North Creek on October 15 - 16, 2011 which they hoped would generate a lot of interest from rail fans. Ms. Smith noted the recent Thurman Days event had attracted about 100 people, and stated this was just one of the events that would attract visitors to Towns and Villages along the rail line. She thanked the Committee for their efforts in bringing the railroad back to life and said she hoped this momentum would continue.

Mr. Merlino apprised that no members of the snowmobile clubs had attended the meeting at his request as he felt it was better for the Committee to make their decision on the matter based on its merits alone. Mr. Belden noted that a Public Hearing would be held in November, at which time members of the snowmobile clubs would be welcome to attend and state their positions on the matter.

Concluding the agenda review, Mr. Butler addressed the Referral section as follows:

1. Paul Dusek, County Administrator, advised no update was available relative to the Trout Lake Access point;
2. Mr. Dusek advised no update was available relative to whether the property jointly owned by the County and Town of Johnsburg could be transferred to the Town;
3. Mr. Butler apprised Tanya Tobias-Tomas was not satisfied with the response provided to her by SNCR relative to her railroad concerns and would be making contact with him to advise of additional information she would like to obtain via a FOIL (Freedom of Information Law) request which he would refer to Mr. Dusek and the County Attorney's Office; and
4. Mr. Dusek advised no update was available relative to a request from SNCR to use the high-rail equipment owned by the County.

There being no further Parks, Recreation & Railroad business to discuss, privilege of the floor was extended to Mr. Tennyson who distributed copies of the DPW agenda to the Committee, a copy of which is also on file with the

minutes.

Commencing with the agenda review, Mr. Tennyson advised the first few items listed pertained to Airport business, and he proceeded with an update on the 39<sup>th</sup> Annual Adirondack Balloon Festival, which he said had been held during the prior weekend. He announced a successful launch had been held on Saturday evening and a good crowd was attracted on Sunday, when the balloons had inflated and tethered, but did not launch. Mr. Tennyson advised they had been under budget for associated costs and he expected to present attendance figures for each day of the Festival once the information had been extracted from the traffic counters placed during the event. He said the crews had done a very good job of managing the Balloon Festival, making adjustments as necessary to move the launch sites to sections of the runway to limit damage to grassy areas which were soft due to the recent rainy weather. Mr. Tennyson apprised he would be meeting with his staff, as well as pertinent members of the Sheriff's Office, during the following week to review the event and determine what modifications could be made for the following year.

The new snowblower and Airport Fire Truck equipment had been on display during the Balloon Festival event, Mr. Tennyson stated, and had gotten a lot of positive attention from local fire fighters. He noted the next meeting would be held at the Airport facility, giving the Committee members the opportunity to view the new equipment, as well.

Mr. Belden apprised there was an Airport building with a leaky roof that required attention and he questioned whether a cost had been identified for the necessary repairs. Mr. Tennyson responded that Don DeGraw, the former Airport Manager, had been working with the DPW Engineering Division to draft an RFP (request for proposal) to make a determination on the proposed repair costs; however, he said, those efforts had been delayed, but recently resumed. As for a funding source, Mr. Tennyson advised some unused grant funds had been returned to an Airport reserve fund which Mr. Dusek was researching to determine whether they could be used for the roof repair work. Mr. Dusek stated he had performed a review of two Airport reserve funds, neither of which could be used for this work. He added one reserve was specifically designated for equipment, while the other was for planning, and those funds could not be used for any other purpose. Mr. Tennyson said the Committee could tour the Terminal Building with the roof issue during their next meeting at the Airport and advised they were currently using a hanging bladder system which collected leaking water and funneled it into tubing leading to certain drain points within the building in an effort to avoid damages to the facility. He stated this was an issue that needed to be addressed in the near future, but said he did not think the repair work could be completed during the upcoming fall season. Mr. Tennyson noted that because a rubber membrane roof structure was desired, an agreement with a specialty contractor would be required.

Speaking as the Budget Officer, Mr. Geraghty advised that they should proceed with the necessary roof repairs using the Contingency Fund as their source of funding. Mr. Dusek cautioned that before authorizing the work, they should determine whether the repair estimates were reasonable and Mr. Tennyson advised the initial estimate received had been in the neighborhood of \$60,000, which Mr. Dusek felt was acceptable.

It was the consensus of the Committee that Mr. Tennyson should proceed in preparing the RFP to be released as quickly as possible.

Moving on, Mr. Tennyson advised the ARFF (Airport Rescue and Fire Fighting) Building Expansion Project had been bid earlier in the year; however, he said, because FAA (Federal Aviation Administration) operations had been ceased for a period of time during the summer season, they had been unable to award the bid, and the prior bid had



expired. He explained that because the low bidder was not willing to proceed with the work based on the prior bid price, it had been necessary to re-bid the Project and the new bids were due on October 18<sup>th</sup>. Mr. Tennyson said they had determined an alternate arrangement for housing of the new fire truck until the Expansion Project was completed.

Mr. Tennyson announced the filling of the Airport Manager position, previously approved by the Committee, was currently on hold pending discussion with Rich Air, FBO (Fixed Base Operator). He said he had received resumes from a number of very qualified applicants and he would be notifying them of the delay in filling the position, with the hopes that he would be able to retain the most qualified individuals so that if the Board decided to proceed in filling the position there would be viable candidates available.

Mr. Thomas questioned why the filling of the position had been placed on hold and Mr. Dusek responded that Rich Air had contacted himself and the Chairman of the Board to make an offer for the FBO to assist the County in terms of managing the Airport, thereby saving approximately \$90,000 to \$100,000 per year. Mr. Dusek said that in light of the potential savings to the County, they had determined the option should be researched to determine its validity, as they were facing a very difficult budget situation for 2012. He concluded that further details on the matter would be revealed once the review was complete. Mr. Tennyson suggested that the issue be discussed further at the upcoming Personnel Committee meeting in order to allow the position to be filled as quickly as possible and Mr. Dusek advised that was possible and noted a special meeting would not be required to re-authorize the position to be filled as the issue could be raised from the floor at the next Board meeting. Mr. Monroe interjected that the Airport Manager position was very important and he felt it was necessary to have someone directly responsible to the County in the position, rather than a contractor. Additionally, he said they needed someone very familiar with Federal regulations in consideration of the number of grants received in the past. Mr. Monroe stated that although he was willing to listen to all proposals, he was interested in hiring someone to act as Airport Manager, rather than contracting with the FBO to assume the management duties.

Mr. Tennyson apprised the agenda included detailed information relative to fuel usage within his Department and reminded the Committee that at a prior meeting a transfer had been requested to cover fuel costs through the close of the year. Based on the prior transfer and the current usage amounts, he said he felt the existing funding would be sufficient to cover all fuel costs for the remainder of the year.

The next four agenda items, included on agenda pages 4 - 21, consisted of resolution requests relating to a New York State Make the Connection Grant, Mr. Tennyson advised, and he proceeded to outline them as follows:

- Page 4 - Request to apply for NYSDOT (New York State Department of Transportation) grant funding in an amount not to exceed \$85,000 for the West Mountain Road Bicycling Improvements Project;
- Page 12 - Request to establish Capital Project No. H328.9550 280, West Mountain Road Bicycling Improvements Project, in the amount of \$85,000;
- Page 13 - Request to apply for NYSDOT grant funding in an amount not to exceed \$26,000 for the Warren County Bikeway Improvements; and
- Page 21 - Request to establish Capital Project No. H329.9550 280, Warren County Bikeway Improvements, in the amount of \$26,000.

Motion was made by Mr. Monroe, seconded by Mr. Bentley and carried unanimously to approve both requests to apply for NYSDOT grant opportunities as outlined above and the necessary resolutions were authorized for the October 21<sup>st</sup> Board meeting. *Copies of both requests are on file with the minutes.*

Motion was made by Mr. Monroe, seconded by Mr. Bentley and carried unanimously to approve both requests to establish Capital Projects as outlined above and refer same to the Finance Committee. *Copies of both requests are on file with the minutes.*

Mr. Tennyson apprised that agenda pages 22 - 24 consisted of three requests to amend prior resolutions to correct grammatical errors identified by the Clerk of the Board's Office, as follows:

- Page 22 - Request to amend Resolution No. 857 of 2008 to correct the increase to Capital Project No. H199.9550 280, Corinth Road Reconstruction Project, to read \$257,689, rather than \$257,869, as well as to commensurately change the Capital Project total;
- Page 23 - Request to amend Resolution No. 582 fo 2009 to correct the totals listed for Capital Project No. H199.9550 280, Corinth Road Reconstruction Project, which were incorrectly listed due to erroneous information provided in Resolution No. 857 of 2008; and
- Page 24 - Request to amend Resolution No. 871 of 2009 to correct the totals listed for Capital Project No. H199.9550 280, Corinth Road Reconstruction Project, which were incorrectly listed due to erroneous information provided in Resolution No. 857 of 2008.

Motion was made by Mr. McCoy, seconded by Mr. Champagne and carried unanimously to approve all three requests, as listed above, and the necessary resolutions were authorized for the October 21<sup>st</sup> Board meeting. *Copies of the requests are on file with the minutes.*

Moving on, Mr. Tennyson stated agenda page 25 included a request to rescind Resolution No. 445 of 2011 to correct the total for Capital Project No. H199.9550 280, Corinth Road Reconstruction Project. He explained the resolution authorized an increase to the Capital Project in the amount of \$3,421,777, but noted the purpose had not been to increase the total, but rather to allocate the Town of Queensbury's share of the Project costs. In order to correct the total of the Capital Project to show its true sum of \$20,728,880, Mr. Tennyson advised Resolution No. 445 of 2011 would need to be rescinded.

Motion was made by Mr. Champagne, seconded by Mr. Bentley and carried unanimously to approve the aforementioned request and the necessary resolution was authorized for the October 21<sup>st</sup> Board meeting. *A copy of the request is on file with the minutes.*

Mr. Tennyson said the next agenda item eluded to the availability of a revised draft version of the 2012 Pavement Maintenance/Rehabilitation/Reconstruction Plan and noted that although he had hoped the document would be ready to present at this meeting, it was still in the process of being developed by the Engineering Division. He reminded the Committee that during their last meeting he had indicated the draft plan would include a \$2.5 million paving program that would maintain the road structure at the current pavement grades; however, he said, that amount had been cut to \$2 million during the budget preparation process and the Plan now had to be revised to account for the lesser funding amount. Mr. Tennyson stated that he hoped to be able to present the latest version of the paving plan at the next Committee meeting and welcomed any suggestions or comments on preferred projects to be removed from the prior plan.

The next agenda item pertained to West Brook Road parking, Mr. Tennyson announced, and he distributed copies of a concept proposal for the implementation of metered parking, noting that the fifth and sixth options shown were the newest to be presented; *a copy of this document is on file with the minutes.* As part of the discussions on the development of the Gaslight Village parcel, he said a repeated concern had been the need for funding to maintain the park planned for the property and one solution for this would be to institute metered parking. Mr. Tennyson then proceeded with a review of the two new parking options available which consisted of the following:

- a) Closing the north lane of West Brook Road to create a municipal parking lot and altering the south lane to convert the existing 24' of asphalt into a two lane road. This option would allow for 55 metered slant parking slots and two pedestrian crossings at a total estimated cost of \$80,000 for road improvements and meter installation; estimated annual revenues of \$49,500; and
- b) Closing north lane of West Brook Road to traffic and widen to the extent of the highway ROW to include an additional 18' which would allow parking on both sides of the road with a single lane of traffic running through the center. This option would allow for 110 metered slant parking slots at a total estimated cost of \$210,000 for road improvements and meter installation; estimated annual revenues of \$99,000.

Mr. Monroe said it was his understanding that as per Highway Law, the locality (Town or Village) in which the road was located had the authority to establish parking areas and collect revenues on County Roads and he noted the Town of Lake George had indicated that if the parking was introduced in their municipality they would seek to retain the parking revenues, whereas the Village of Lake George was agreeable to using any parking revenues received in order to fund park maintenance fees. In light of this information, Mr. Monroe advised it was important to choose the option favorable to the County and he noted his preference for the option which would create 55 parking spaces on the north side of West Brook Road as it would look to be part of the Festival Space. He concluded that a legal review would be necessary to clearly determine property ownership in that area, and ultimately, which municipality would control any revenues received.

Mr. McCoy confirmed that if the parking meters were installed in the Town of Lake George, they would seek to retain the revenues received.

Discussion ensued on the matter, during which the Committee considered initially implementing the 55-space option and later expanding to the larger 110-space option. Mr. Dusek cautioned the Committee, noting the total costs of the project might be exacerbated by incorporating a staged approach and instead recommended the option of using a two to three-year bond to fund the larger project, with repayments to be made using the parking revenues received.

It was the consensus of the Committee that the issue should be referred to the County Attorney's Office, noting their preference for the 110-parking space option, and requesting a review of the appropriate property deeds to determine which municipality would have authority over the parking revenues collected.

Concluding the agenda review, Mr. Tennyson addressed the Items of Interest section, as follows:

- The Complete Streets Legislation had been previously discussed amongst concerns that it would create an additional burden for the County and Towns, Mr. Tennyson said. He advised he had recently attended a NYSAC (New York State Association of Counties) Transportation and Public Works Committee meeting where the issue had been brought up and an explanation was given that the Legislation would apply only to Federal aid projects where a complete review of all users was required. He added that the Legislation did not apply to CHIPS (Consolidated Highway Improvement Program) funding and based on this information, said the impact of the Legislation was minor, and quite irrelevant, in light of the procedures already implemented for Federal-aid projects.
- Mr. Tennyson apprised a new law relative to Municipal Bidding had also been discussed at the recent NYSAC meeting. He said the law had passed both houses at the State level and was awaiting delivery to Governor Cuomo. Mr. Tennyson explained the law would allow Townships, as well as the Village of Lake George and City of Glens Falls, to participate in County bids, even for Public Works projects. He said they had tried to allow this in the past but had always run into an issue with

prevailing wage requirements; he added that he had specifically questioned whether this new law would alleviate the prevailing wage issue and was apprised this would essentially allow the County to authorize the Towns to participate in County bids, even in the case of a prevailing wage bid, forcing the contractor to honor the prevailing wage given to the County, regardless of where the work was being done and the prevailing wage cost in that area.

- At the NYSAC Conference, Mr. Tennyson advised copies of the 2010 Economic Impact of Aviation Summary Report developed by NYSDOT had been distributed and he noted the agenda included a portion of the Report referring to an array of Airports located across the State and the annual earnings and economic activity of each. He pointed out the Warren County Airport was identified as number 33 and listed annual earnings in excess of \$3.6 million with an annual economic activity of \$8,395,000. During this presentation, Mr. Tennyson said they had been informed that a corporate jet located exclusively at one airport generated an average of five jobs within the community and approximately \$1 million in supplies and expenses. He advised the report was available on the NYSDOT website if anyone was interested in viewing it in its entirety.
- Mr. Tennyson distributed photos of scour repairs performed on County bridges over the past years; *copies of the photos are on file with the minutes*. He said he felt it noteworthy to mention that all of the County's bridges had held up very well during the recent spring storms, as well as during Tropical Storm Irene. Mr. Tennyson added that while there had been some wing wall damage to certain bridges, most had been minor and none severe enough to cause closure of the structures; he said he credited this to ongoing bridge maintenance which was engineered and performed in-house by County staff.

Mr. Tennyson announced there were no old business or referral items to address.

Mr. Taylor said he had received a complaint regarding congestion being caused by the traffic light in front of the new Quaker Road Walmart and he questioned whether a traffic study had been performed in this location. Mr. Tennyson replied that a traffic study would have been required by the Town of Queensbury during the planning review which would have then been reviewed by both the Town and County's Engineering Divisions. He added there might be a timing issue with the traffic light and, as with many newly introduced devices, was subject to an adjustment period following which the durations would be modified, but said he would look into the matter.

There being no further business to come before the Public Works Committee, on motion made by Mr. Bentley and seconded by Mr. McCoy, Mr. Belden adjourned the meeting at 11:16 a.m.

Respectfully submitted,  
Amanda Allen, Sr. Legislative Office Specialist